

Serial No.: 10/726,891

REMARKS

Claims 1-10, as amended, remain herein.

The foregoing amendments to the claims place this application fully in condition for allowance, and certainly in better condition for any appeal. Accordingly, entry of this amendment and allowance of all claims are respectfully solicited.

Applicants thank the Examiner for acknowledgment of Applicants' claim of priority, and the indication of allowable subject matter in Applicants' claims 3, 5, and 9.

Claim 1 was rejected under 35 U.S.C. §103(a) over Dang in view of Swoboda et al. "(Swoboda").

Applicants' amended claim 1 recites a control/communication card connected to the device measuring unit for sending analyzed results back to a general-purpose computer. While the Office Action rationale states that the Dang patent contains a device measuring unit that communicates with a general purpose computer, there is no teaching or suggestion that such communications include analyzed results. Swoboda similarly fails to teach or suggest this feature. Accordingly, Applicants' amended claim 1 recites a combination of features which is neither taught nor suggested by Dang or Swoboda, taken individually or collectively.

Withdrawal of the rejection of claim 1 and allowance of the same are therefore requested.

Claim 1 was also rejected under 35 U.S.C. § 112, second paragraph, for use of the term "comprises" as part of the larger phrase "a device measuring unit comprising a measuring section and an analyzing section, the measuring section for exchanging a signal with a device to be

Serial No.: 10/726,891

measured, which device comprises. . . .” Per the Office Action, the term should be “comprise.” However, the claim 1 language “a device measuring unit” and “which device” is singular.<sup>1</sup> The singular verb “comprises” is therefore proper to follow “which device.” Withdrawal of the rejection of claim 1 on this basis is respectfully requested.

Claims 2, 4, 6-8 and 10, which depend from claim 1 (either directly or through intervening claims), were also rejected under 35 U.S.C. §103(a) over Dang in view of Swoboda. In view of at least the amendments and remarks with respect to claim 1, these dependent claims are likewise patentably distinct over the applied prior art. Withdrawal of the rejection of these claims and allowance of the same are respectfully requested.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

Any amendments to the claims not specifically argued to overcome a rejection based upon the prior art have been made for clarity, a purpose unrelated to patentability.

If a telephone conference would be of value, the Examiner is requested to call Applicants’ undersigned attorney at the number listed below.

---


<sup>1</sup> Of course, the scope of claim is not necessarily limited to the singular, as “a” has the general meaning of “one or more.”

Serial No.: 10/726,891

The Commissioner is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28951.5300).

Respectfully submitted,

STEPTOE & JOHNSON

A handwritten signature in black ink, appearing to read "Scott D. Watkins", is written over the printed name.

Roger W. Parkhurst, Reg. No. 25,177  
Scott D. Watkins, Reg. No. 36,715

Date: July 6, 2005  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
Tel: 202-429-3000  
Fax: 202-429-3902